

# EXHIBIT 6

## Tom Egler

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**From:** Ventura, Catie <catie.ventura@kirkland.com>  
**Sent:** Wednesday, April 24, 2019 2:20 PM  
**To:** Tom Egler  
**Cc:** Levy, Jennifer; Welch, Donna M.; Stampfl, Karl; Coverstone, Kaitlyn L.; Hillyer, Rebecca J.; Maier, Jonathan E.; Weinberger, Peter H.; Aelish Baig; Matthew Melamed; Mark Dearman; Dory Antullis; Kelli Black; Henry Rosen; Carissa Dolan; mcrawford@skikos.com; sskikos@skikos.com; Paul Geller  
**Subject:** RE: EXTERNAL-RE: PEC's Motion to Compel SOMS Audit Reports.  
**Attachments:** [EXT] RE: EXTERNAL-Opioid MDL: Allergan's Supplemental Interrogatory Response

Tom –

With respect to the SOM-related questions posed in your April 16 email, Allergan has conducted an exhaustive search for the Cegedim-Dendrite (Buzzeo) written report that you reference, but has not found this report. Allergan has also asked IQVIA if it maintained a copy of this report; they did not. Additionally, responses to your April 9 email regarding SOM data were emailed to you on April 18. A copy of that email chain is attached for your review.

Additionally, as Pete Weinberger's April 19 email states, Teva's counsel has already responded to his request (see email from S. Edelman, dated April 18). That email invites Plaintiffs to raise any specific concerns directly with Morgan Lewis.

Best,

Catie Ventura

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**From:** Tom Egler <[TomE@rgrdlaw.com](mailto:TomE@rgrdlaw.com)>  
**Date:** April 23, 2019 at 2:45:13 PM EDT  
**To:** "Levy, Jennifer" <[jlevy@kirkland.com](mailto:jlevy@kirkland.com)>, "Welch, Donna M." <[dwelch@kirkland.com](mailto:dwelch@kirkland.com)>, "Stampfl, Karl" <[karl.stampfl@kirkland.com](mailto:karl.stampfl@kirkland.com)>, "[rebecca.hillyer@morganlewis.com](mailto:rebecca.hillyer@morganlewis.com)" <[rebecca.hillyer@morganlewis.com](mailto:rebecca.hillyer@morganlewis.com)>, "[jonathan.maier@morganlewis.com](mailto:jonathan.maier@morganlewis.com)" <[jonathan.maier@morganlewis.com](mailto:jonathan.maier@morganlewis.com)>  
**Cc:** "Peter H. Weinberger ([pweinberger@spanglaw.com](mailto:pweinberger@spanglaw.com))" <[pweinberger@spanglaw.com](mailto:pweinberger@spanglaw.com)>, Aelish Baig <[AelishB@rgrdlaw.com](mailto:AelishB@rgrdlaw.com)>, "Matthew Melamed" <[MMelamed@rgrdlaw.com](mailto:MMelamed@rgrdlaw.com)>, Mark Dearman <[MDearman@rgrdlaw.com](mailto:MDearman@rgrdlaw.com)>, "Dory Antullis" <[DAntullis@rgrdlaw.com](mailto:DAntullis@rgrdlaw.com)>, Kelli Black <[KBlack@rgrdlaw.com](mailto:KBlack@rgrdlaw.com)>, "Henry Rosen" <[HenryR@rgrdlaw.com](mailto:HenryR@rgrdlaw.com)>, Carissa Dolan <[CDolan@rgrdlaw.com](mailto:CDolan@rgrdlaw.com)>, "Mark Crawford" <[mcrawford@skikos.com](mailto:mcrawford@skikos.com)>, 'Steven Skikos' <[sskikos@skikos.com](mailto:sskikos@skikos.com)>, "Paul Geller" <[pgeller@rgrdlaw.com](mailto:pgeller@rgrdlaw.com)>  
**Subject:** [EXT] RE: EXTERNAL-RE: PEC's Motion to Compel SOMS Audit Reports.

Donna –

With regard to your communication below to Pete Weinberger this morning, can you please address the related questions we asked the Allergan/Actavis defendants in the attached April 16, 2019 email?

Because of your clients' interpretation of the Court's orders, can you also please include Teva's response to these questions, or coordinate with counsel for Teva and its subsidiaries?

Thanks

Tom Egler

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**From:** Welch, Donna M. <[dwelch@kirkland.com](mailto:dwelch@kirkland.com)>  
**Sent:** Tuesday, April 23, 2019 1:49:31 PM  
**To:** Weinberger, Peter H.; David R. Cohen  
**Cc:** Gay, Josh; '[xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com)'; 2804 Discovery, MDL; Farrell, Paul; Fuller, Mike; Evan Janush; Irpino, Anthony  
**Subject:** EXTERNAL-RE: PEC's Motion to Compel SOMS Audit Reports.

Pete -

This confirms that Allergan is not withholding SOM audit documents.

Regards, Donna

**Donna Welch, P.C.**

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**From:** Peter H. Weinberger <[PWeinberger@spanglaw.com](mailto:PWeinberger@spanglaw.com)>  
**Sent:** Friday, April 19, 2019 10:55 AM  
**To:** David R. Cohen <[David@SpecialMaster.Law](mailto:David@SpecialMaster.Law)>  
**Cc:** Josh Gay <[jgay@levinlaw.com](mailto:jgay@levinlaw.com)>; '[xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com)'  
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\*[airpino@irpinolaw.com](mailto:airpino@irpinolaw.com) <[airpino@irpinolaw.com](mailto:airpino@irpinolaw.com)>  
**Subject:** [EXT] PEC's Motion to Compel SOMS Audit Reports.

SM Cohen:

On Tuesday, as a result of the Court's affirming DR 14 part 5, I sent an email to all defendants to provide plaintiffs with copies of all SOMS audit reports including those that have been withheld by the defendants as privileged. I set a deadline of Thursday 4/18. The email is in this chain. No defendants have responded, except Teva's counsel sent an email to which I responded which is also in this chain.

Plaintiffs request that you set this for immediate hearing. We ask that you compel production of these documents. These SOMS audit reports are critical to our case and should be made available to our SOMS experts prior to their depositions.

Pete

**From:** Peter H. Weinberger  
**Sent:** Thursday, April 18, 2019 2:19 PM  
**To:** Edelman, Sagiv Y.  
**Cc:** [MaraCusker.gonzalez@dechert.com](mailto:MaraCusker.gonzalez@dechert.com); [Mark.Cheffo@dechert.com](mailto:Mark.Cheffo@dechert.com); [kaspar.stoffelmayer@bartlitbeck.com](mailto:kaspar.stoffelmayer@bartlitbeck.com); [emanigi@wc.com](mailto:emanigi@wc.com); [mlynch@cov.com](mailto:mlynch@cov.com); [ghobart@wc.com](mailto:ghobart@wc.com); Shannon McClure; Hillyer, Rebecca J.; Reed, Steven A.; Jacobs, Evan K.; [xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com); MRopioidserve  
**Subject:** RE: NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

Sagiv –

Thank you for your email response. Let me be crystal clear. Within the last 6 months, Judge Polster on several occasions expressed his concerns about the parties over-designating privileged documents. You now have clarity regarding what the “fact-intensive inquiry” you and all defense counsel must undertake to determine if you have a reasonable and supportable basis to assert a privilege with respect to SOMs audits and other SOMs related documents. Judge Polster’s order affirming SM Cohen’s ruling sets forth the standards which you are obligated to apply. If you don’t produce the documents or give us some explanation how you have applied these standards but nonetheless stand by the privilege, I can assure you that we will file a motion to compel and seek sanctions.

Pete

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**From:** Edelman, Sagiv Y. [<mailto:sagiv.edelman@morganlewis.com>]  
**Sent:** Thursday, April 18, 2019 1:16 PM  
**To:** Peter H. Weinberger  
**Cc:** [MaraCusker.gonzalez@dechert.com](mailto:MaraCusker.gonzalez@dechert.com); [Mark.Cheffo@dechert.com](mailto:Mark.Cheffo@dechert.com); [kaspar.stoffelmayer@bartlitbeck.com](mailto:kaspar.stoffelmayer@bartlitbeck.com); [emanigi@wc.com](mailto:emanigi@wc.com); [mlynch@cov.com](mailto:mlynch@cov.com); [ghobart@wc.com](mailto:ghobart@wc.com); Shannon McClure; Hillyer, Rebecca J.; Reed, Steven A.; Jacobs, Evan K.  
**Subject:** RE: NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

Pete,

We disagree with your interpretation of Judge Polster’s order concerning the SOMs audit that Dendrite prepared for Cardinal. As that order makes clear, “determining whether a privilege exists is a fact-intensive inquiry.” The order did not mention any other defendant and did not include any references to SOMs generally. Therefore, there is no basis to construe this order as applying to any defendant other than Cardinal. Indeed, such an interpretation would eviscerate the “fact-intensive inquiry” that Judge Polster himself explained governs these questions.

We see no reason to deviate from the normal meet-and-confer process in this circumstance. Should Plaintiffs have any concerns with the documents that the Teva Defendants are withholding as privileged, Plaintiffs may raise those specific concerns with us. As always, we remain available to meet and confer. Thank you.

Best,  
Sagiv

**Sagiv Y. Edelman**  
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**From:** Peter H. Weinberger <[PWeinberger@spanglaw.com](mailto:PWeinberger@spanglaw.com)>  
**Date:** Tuesday, Apr 16, 2019, 3:48 PM  
**To:** 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com' <[xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com)>, Cusker Gonzalez, Mara ([MaraCusker.gonzalez@dechert.com](mailto:MaraCusker.gonzalez@dechert.com)) <[MaraCusker.gonzalez@dechert.com](mailto:MaraCusker.gonzalez@dechert.com)>, [Mark.Cheffo@dechert.com](mailto:Mark.Cheffo@dechert.com) <[Mark.Cheffo@dechert.com](mailto:Mark.Cheffo@dechert.com)>, [kaspar.stoffelmayer@bartlitbeck.com](mailto:kaspar.stoffelmayer@bartlitbeck.com) <[kaspar.stoffelmayer@bartlitbeck.com](mailto:kaspar.stoffelmayer@bartlitbeck.com)>, [emanigi@wc.com](mailto:emanigi@wc.com) <[emanigi@wc.com](mailto:emanigi@wc.com)>, [mlynch@cov.com](mailto:mlynch@cov.com) <[mlynch@cov.com](mailto:mlynch@cov.com)>, [ghobart@wc.com](mailto:ghobart@wc.com) <[ghobart@wc.com](mailto:ghobart@wc.com)>, Shannon McClure <[smcclure@reedsmith.com](mailto:smcclure@reedsmith.com)>  
**Cc:** MRopioidserve <[MDL2804discovery@motleyrice.com](mailto:MDL2804discovery@motleyrice.com)>  
**Subject:** NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

[EXTERNAL EMAIL]

TO ALL DEFENDANTS:

Today, Judge Polster affirmed Discovery Ruling no. 14 part 5. Specifically, he ordered Cardinal to analyze its documents to apply the analysis of SM Cohen in determining which of these documents should be produced. It gives notice that “the court will apply the reasoning of the Discovery Ruling to all of Cardinal’s assertions of privilege over documents relating to SOMs and directing Cardinal to do the same”.

Notice is hereby given to you to produce to plaintiffs previously withheld documents involving SOMs audits either done internally or by third party vendors. We expect the documents to be produced by COB on Thursday 4/18/19. Please do not bury these documents in other productions. Rather, please describe with particularity the documents produced and/or reference them by bates numbers and/or previous designations in privileged logs.

Non-compliance will cause us to file motions to compel with a request for sanctions.

Pete

Peter H. Weinberger

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